

## Regulatory Language

Section 52.10, Title 14, CCR, is amended to read:

### **52.10. Take of Sheephead, Cabezon and Greenling.**

(a) ~~Optimum Yields: Total Allowable Catches (TACs) and Allocations. Based on optimum yields total allowable catches specified for each calendar year, catch within regional management areas defined in Section 52.04, Title 14, CCR, may not exceed the following amounts:~~

~~(1) California sheephead, 223,483 pounds;~~

~~(2) cabezon, 178,728 pounds; and~~

~~(3) greenlings of the genus Hexagrammos, 39,823 pounds.~~

~~(b) Allocation. Annual harvest of these species is allocated between sport and commercial fisheries as follows:~~

~~(1) California sheephead.~~

~~(A) The recreational fishery is allocated 135,524 pounds.~~

~~(B) The commercial fishery is allocated 87,959 pounds.~~

~~(2) Cabezon.~~

~~(A) The recreational fishery is allocated 84,330 pounds.~~

~~(B) The commercial fishery is allocated 94,398 pounds.~~

~~(3) Greenlings of the genus Hexagrammos.~~

~~(A) The recreational fishery is allocated 26,403 pounds.~~

~~(B) The commercial fishery is allocated 13,420 pounds.~~

### ***Option 1A: Four commercial TACs (one per region) and one statewide recreational TAC based on the currently used ratios in this Section.***

(1) Cabezon. The total statewide allowable catch of cabezon is 194,100 pounds, allocated as follows:

	<u>Commercial Fishery</u>	<u>Recreational Fishery</u>
<u>North Coast Region</u>	<u>8,000 pounds</u>	<u>91,600 pounds</u>
<u>North-Central Coast Region</u>	<u>20,100 pounds</u>	
<u>South-Central Coast Region</u>	<u>61,700 pounds</u>	
<u>South Coast Region</u>	<u>12,700 pounds</u>	

(2) Greenlings of the genus Hexagrammos. The total statewide allowable catch of greenlings is 37,800 pounds, allocated as follows:

	<u>Commercial Fishery</u>	<u>Recreational Fishery</u>
<u>North Coast Region</u>	<u>1,800 pounds</u>	<u>24,900 pounds</u>
<u>North-Central Coast Region</u>	<u>5,600 pounds</u>	
<u>South-Central Coast Region</u>	<u>5,300 pounds</u>	

<u>South Coast Region</u>	<u>200 pounds</u>	
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(3) California sheephead. The total statewide allowable catch of sheephead is 205,600 pounds, allocated as follows:

	<u>Commercial Fishery</u>	<u>Recreational Fishery</u>
<u>North Coast Region</u>	<u>0 pounds</u>	<u>124,500 pounds</u>
<u>North-Central Coast Region</u>	<u>100 pounds</u>	
<u>South-Central Coast Region</u>	<u>1,500 pounds</u>	
<u>South Coast Region</u>	<u>79,500 pounds</u>	

***Option 1B: Four commercial TACs (one per region) and one statewide recreational TAC based on the historical ratio of catches during 1983-1989 and 1993-1999.***

(1) Cabezon. The total statewide allowable catch of cabezon is 194,100 pounds, allocated as follows:

	<u>Commercial Fishery</u>	<u>Recreational Fishery</u>
<u>North Coast Region</u>	<u>5,500 pounds</u>	<u>118,300 pounds</u>
<u>North-Central Coast Region</u>	<u>16,100 pounds</u>	
<u>South-Central Coast Region</u>	<u>49,200 pounds</u>	
<u>South Coast Region</u>	<u>5,000 pounds</u>	

(2) Greenlings of the genus Hexagrammos. The total statewide allowable catch of greenlings is 37,700 pounds, allocated as follows:

	<u>Commercial Fishery</u>	<u>Recreational Fishery</u>
<u>North Coast Region</u>	<u>1,300 pounds</u>	<u>34,200 pounds</u>
<u>North-Central Coast Region</u>	<u>1,100 pounds</u>	
<u>South-Central Coast Region</u>	<u>1000 pounds</u>	
<u>South Coast Region</u>	<u>100 pounds</u>	

(3) California sheephead. The total statewide allowable catch of sheephead is ~~205,600~~ 205,700 pounds, allocated as follows:

	Commercial Fishery	Recreational Fishery
<u>North Coast Region</u>	<u>0 pounds</u>	<del>126,100</del> <u>130,300</u> pounds
<u>North-Central Coast Region</u>	<u>100 pounds</u>	
<u>South-Central Coast Region</u>	<del>2,100</del> <u>2,200</u> pounds	
<u>South Coast Region</u>	<del>77,300</del> <u>73,100</u> pounds	

***Option 2A: Maintain the status-quo of one statewide commercial TAC and one statewide recreational TAC based on the currently used ratios in this Section, but update the values to reflect improvements in analysis of catch data.***

(1) Cabezon. The total statewide allowable catch of cabezon is 194,000 pounds, allocated as follows:

(A) The commercial fishery is allocated 102,400 pounds.

(B) The recreational fishery is allocated 91,600 pounds.

(2) Greenlings of the genus Hexagrammos. The total statewide allowable catch of greenlings is 37,600 pounds, allocated as follows:

(A) The commercial fishery is allocated 12,700 pounds.

(B) The recreational fishery is allocated 24,900 pounds.

(3) California sheephead. The total statewide allowable catch of sheephead is 205,500 pounds, allocated as follows:

(A) The commercial fishery is allocated 81,000 pounds.

(B) The recreational fishery is allocated 124,500 pounds.

***Option 2B: Maintain the status-quo of one statewide commercial TAC and one statewide recreational TAC based on the historical ratio of catches during 1983-1989 and 1993-1999, but update the values to reflect improvements in analysis of catch data.***

(1) Cabezon. The total statewide allowable catch of cabezon is 193,900 pounds, allocated as follows:

(A) The commercial fishery is allocated 75,600 pounds.

(B) The recreational fishery is allocated 118,300 pounds.

(2) Greenlings of the genus Hexagrammos. The total statewide allowable catch of greenlings is 37,600 pounds, allocated as follows:

(A) The commercial fishery is allocated 3,400 pounds.

(B) The recreational fishery is allocated 34,200 pounds.

(3) California sheephead. The statewide allowable catch of sheephead is 205,500 pounds, allocated as follows:

(A) The commercial fishery is allocated ~~79,400~~ 75,200 pounds.

(B) The recreational fishery is allocated ~~426,400~~ 130,300 pounds.

~~(e)~~ (b) Mechanism for Fishery Closures. The department will estimate from the current trends in catch and using the best available scientific information the time at which the any commercial or recreational fishery allocation or total allowable catch for sheephead, cabezon, or greenlings specified in subsection (a) ~~(b)~~ will be reached. The department will close the fishery at the time the allocation or total allowable catch is reached or is projected to be reached prior to the end of the calendar year.

~~(d)~~ (c) The department shall give the public and the commission no less than 10 days notice of any recreational fishery closure pursuant to this Section via a department news release.

~~(e)~~ (d) The department shall give ~~Nearshore Fishery Permit~~ holders of applicable nearshore fishery permits no less than 10 days notice of any commercial fishery closure pursuant to this Section via a notification letter sent to the permittee's address on file with the department. The department shall give the public and the commission no less than 10 days notice of any commercial fishery closure pursuant to this Section via a department news release.

(e) For any regional allocation to a commercial or recreational fishery specified in subsection (a) that is of a volume less than 1,000 pounds, that component of the fishery shall be considered closed and no take shall be allowed by that sector of the fishery in that geographic region at any time. Tracking and notification requirements specified in subsections (b), (c), and (d) will not apply.

NOTE

Authority cited: Sections 200, 202, 205, 7071 and 8587.1, Fish and Game Code.

Reference: Sections 97, 7056, 7071, 8585.5, 8587 and 8587.1, Fish and Game Code.

Subsection (d) of Section 150.06, Title 14, CCR, is amended to read:

**150.06. Management Areas Defined; Closure Periods Defined.**

***Option 1***

~~(d) The commercial take of cabezon, kelp greenling, and rock greenling is prohibited from Thursday through Sunday, inclusive.~~

***Option 2***

(d) The commercial take and possession of cabezon, kelp greenling, and rock greenling is prohibited from Thursday through Sunday, inclusive.

***Option 3***

(d) The commercial take and possession of ~~cabezon, kelp greenling, and rock greenling~~ nearshore fish stocks as defined in Section 1.90 is prohibited from Thursday through Sunday, inclusive.

NOTE

Authority cited: Sections 7071, 7652 and 8587.1, Fish and Game Code. Reference: Sections 7652, 8585.5 and 8587.1, Fish and Game Code.

Section 150.16, Title 14, CCR, is amended to read:

**150.16. Commercial Take of Nearshore Fishes.**

(a) Notwithstanding Section 8588(b) of the Fish and Game Code, minimum size limits

(total length) are as follows:

- (1) black-and-yellow rockfish (*Sebastes chrysomelas*) 10 in.
- (2) cabezon (*Scorpaenichthys marmoratus*) 15 in.
- (3) California scorpionfish or sculpin (*Scorpaena guttata*) 10 in.
- (4) California sheephead (*Semicossyphus pulcher*) 13 in.
- (5) China rockfish (*Sebastes nebulosus*) 12 in.
- (6) gopher rockfish (*Sebastes carnatus*) 10 in.
- (7) grass rockfish (*Sebastes rastrelliger*) 12 in.
- (8) greenlings of the genus *Hexagrammos* (*Hexagrammos spp.*) 12 in.
- (9) kelp rockfish (*Sebastes atrovirens*) 10 in.

(b) Species of nearshore fish stocks as defined in Section 1.90, Title 14, CCR, must be sorted by species prior to weighing and the weight reported separately on the Fish and Game receipt.

(c) Any nearshore fish listed under this section that are taken in a nearshore fishery shall be measured immediately upon being brought aboard the vessel and released immediately if not in compliance with the size limits specified.

(d) Regulations adopted to modify the minimum size limits or to specify maximum size limits shall be based on the best available scientific information and adopted pursuant to the Administrative Procedure Act following public notice and not less than one public hearing.

(e) Cumulative trip limits for sheephead, cabezon, greenlings of the genus *Hexagrammos*, California scorpionfish, and subgroups of rockfish.

(1) A cumulative trip limit is the total number of pounds of a species or a species group that may be taken and retained, possessed, or landed by an individual commercial licensee in a cumulative trip limit period without a limit on the number of landings or trips.

(2) Cumulative trip limit periods start at 0001 hours local time, end at 2400 hours local time, and are in two month periods as follows:

(A) January 1 through the last day in February,

(B) March 1-April 30,

(C) May 1-June 30,

(D) July 1-August 31,

(E) September 1-October 31,

(F) November 1-December 31.

(3) Landings toward a cumulative trip limit value for a defined cumulative trip limit period provided in this subsection are summed by an individual's California commercial license number listed on fish receipts submitted to the department pursuant to Section 8043, Fish and Game Code.

(4) Any person landing species for which there is a cumulative trip limit established pursuant to this section shall keep in their immediate possession copies of any and all reports of landings required by state laws or regulations throughout the cumulative limit period during which a landing occurred and for 15 days thereafter.

(5) Cumulative trip limit values noticed in the Federal Register by the National Marine Fisheries Service for the cumulative trip limit periods for shallow nearshore rockfish, deeper nearshore rockfish, and California scorpionfish apply to each individual

California commercial licensee in addition to the federally-defined vessel-based limits. Landings are summed by an individual's California commercial license number listed on fish receipts submitted to the department pursuant to Section 8043, Fish and Game Code.

(6) Cumulative trip limit values for sheephead, cabezon and greenlings are as follows:

***[Option 1: Trip limits are the same in all regions statewide at a set value per landing period with catch volume equal for all landing periods]***

(A) Cabezon: Not more than [200 -2,000] pounds per individual per two-month limit period when fishing is allowed pursuant to Section 150.06, Title 14, CCR.

(B) Sheephead: Not more than [200 -2,000] pounds per individual per two-month limit period when fishing is allowed pursuant to Section 150.06, Title 14, CCR.

(C) Greenlings of the genus Hexagrammos: Not more than [25 - 400] pounds per individual per two-month limit period when fishing is allowed pursuant to Section 150.06, Title 14, CCR.

(D) The department will evaluate year-to-date catch levels against total allowable catch limits defined in Section 52.10. Based on these data, when the department determines that cumulative trip limits defined in this Section need significant adjustment upward or downward (by 50 percent or more) in order to spread the allowable catches through the open season to the extent possible and prevent early attainment of the annual total allowable commercial catch, the cumulative trip limits defined in this Section may become inoperative and may be replaced with alternative limits as determined by the department. The department may perform these in-season analyses between May and September of each year; and provide notification of changes by October 15 of each year, as described in subsection (e)(6)(E).

(E) The department shall give holders of nearshore fishery permits no less than 10 days notice of any cumulative trip limit change pursuant to this Section via a notification letter sent to the permittee's address on file with the department.

(F) When optimum yields, allocations, total allowable catches or other catch limits defined in Section 52.10 are reached, and action to close the fishery is taken pursuant to Section 52.10 subsection [(b) or (c)], cumulative trip limits defined in this Section become inoperative.

***[Option 2: Trip limits are the same in all regions statewide at a set value per landing period with catch volume equivalent to a multiplier of federal trip limits for shallow nearshore rockfish. Allows values to differ between monthly periods]***

(A) Cabezon: The cumulative trip limit per individual per two-month limit period when fishing is allowed pursuant to Section 150.06, Title 14, CCR, is equal to the federal trip limit for each two-month limit period noticed in the Federal Register for Shallow Nearshore Rockfish for waters south of 40 degrees, 10 minutes N. latitude.

(B) Sheephead: The cumulative trip limit per individual per two-month limit period when fishing is allowed pursuant to Section 150.06, Title 14, CCR, is equal to two times the federal trip limit for each two-month limit period noticed in the Federal Register for

Shallow Nearshore Rockfish for waters south of 40 degrees, 10 minutes N. latitude.

(C) Greenlings of the genus Hexagrammos: The cumulative trip limit per individual per two-month limit period when fishing is allowed pursuant to Section 150.06, Title 14, CCR, is equal to one-quarter of the federal trip limit for each two-month limit period noticed in the Federal Register for Shallow Nearshore Rockfish for waters south of 40 degrees, 10 minutes N. latitude.

(D) The department will evaluate year-to-date catch levels against total allowable catch limits defined in Section 52.10. Based on these data, when the department determines that cumulative trip limits defined in this Section need significant adjustment upward or downward (by 50 percent or more) in order to spread the allowable catches through the open season to the extent possible and prevent early attainment of the annual total allowable commercial catch, the cumulative trip limits defined in this Section may become inoperative and may be replaced with alternative limits as determined by the department. The department may perform these in-season analyses between May and September of each year; and provide notification of changes by October 15 of each year, as described in subsection (e)(6)(E).

(E) The department shall give holders of nearshore fishery permits no less than 10 days notice of any cumulative trip limit change pursuant to this Section via a notification letter sent to the permittee's address on file with the department.

(F) When optimum yields, allocations, total allowable catches or other catch limits defined in Section 52.10 are reached, and action to close the fishery is taken pursuant to Section 52.10 subsection [(b) or (c)], cumulative trip limits defined in this Section become inoperative.

***[Option 3: Trip limits are the same in all regions statewide at a set value per landing period with catch volume differing between monthly periods, based on constituent input]***

(A) The cumulative trip limit per individual per two-month limit period when fishing is allowed pursuant to Section 150.06, Title 14, CCR, is as follows for cabezon, sheephead and greenlings of the genus Hexagrammos:

	<u>Cabazon</u>	<u>Sheephead</u>	<u>Greenlings</u>
<u>January-February</u>	<u>[0-8,000] pounds</u>	<u>[0-8,000] pounds</u>	<u>[0-1,000] pounds</u>
<u>March-April</u>	<u>0 pounds</u>	<u>0 pounds</u>	<u>0 pounds</u>
<u>May-June</u>	<u>[0-8,000] pounds</u>	<u>[0-8,000] pounds</u>	<u>[0-1,000] pounds</u>
<u>July-August</u>	<u>[0-8,000] pounds</u>	<u>[0-8,000] pounds</u>	<u>[0-1,000] pounds</u>
<u>September-October</u>	<u>[0-8,000] pounds</u>	<u>[0-8,000] pounds</u>	<u>[0-1,000] pounds</u>
<u>November-December</u>	<u>[0-8,000] pounds</u>	<u>[0-8,000] pounds</u>	<u>[0-1,000] pounds</u>

(B) The department will evaluate year-to-date catch levels against total allowable catch limits defined in Section 52.10. Based on these data, when the department determines that cumulative trip limits defined in this Section need significant adjustment upward or

downward (by 50 percent or more) in order to spread the allowable catches through the open season to the extent possible and prevent early attainment of the annual total allowable commercial catch, the cumulative trip limits defined in this Section may become inoperative and may be replaced with alternative limits as determined by the department. The department may perform these in-season analyses between May and September of each year; and provide notification of changes by October 15 of each year, as described in subsection (e)(6)(C).

(C) The department shall give holders of nearshore fishery permits no less than 10 days notice of any cumulative trip limit change pursuant to this Section via a notification letter sent to the permittee's address on file with the department.

(D) When optimum yields, allocations, total allowable catches or other catch limits defined in Section 52.10 are reached, and action to close the fishery is taken pursuant to Section 52.10 subsection [(b) or (c)], cumulative trip limits defined in this Section become inoperative.

***[Option 4: (Different for each of the four management regions throughout the state, and different for each landing period for the periods the fishery is open. Allows for trip limits to be set in accordance with regional TACs)]***

(A) North Coast Region.

The cumulative trip limit per individual per two-month limit period when fishing is allowed pursuant to Section 150.06, Title 14, CCR, is as follows for cabezon, sheephead and greenlings of the genus Hexagrammos:

	<u>Cabazon</u>	<u>Sheephead</u>	<u>Greenlings</u>
<u>January-February</u>	<u>[0-1,000] pounds</u>	<u>0 pounds</u>	<u>[0-400] pounds</u>
<u>March-April</u>	<u>0 pounds</u>	<u>0 pounds</u>	<u>0 pounds</u>
<u>May-June</u>	<u>[0-1,000] pounds</u>	<u>0 pounds</u>	<u>[0-400] pounds</u>
<u>July-August</u>	<u>[0-1,000] pounds</u>	<u>0 pounds</u>	<u>[0-400] pounds</u>
<u>September-October</u>	<u>[0-1,000] pounds</u>	<u>0 pounds</u>	<u>[0-400] pounds</u>
<u>November-December</u>	<u>[0-1,000] pounds</u>	<u>0 pounds</u>	<u>[0-400] pounds</u>

(B) North-Central Coast Region.

The cumulative trip limit per individual per two-month limit period when fishing is allowed pursuant to Section 150.06, Title 14, CCR, is as follows for cabezon, sheephead and greenlings of the genus Hexagrammos:



	<u>Cabazon</u>	<u>Sheephead</u>	<u>Greenlings</u>
<u>January-February</u>	<u>[0-2,000] pounds</u>	<u>[0-50] pounds</u>	<u>[0-500] pounds</u>
<u>March-April</u>	<u>0 pounds</u>	<u>0 pounds</u>	<u>0 pounds</u>
<u>May-June</u>	<u>[0-2,000] pounds</u>	<u>[0-50] pounds</u>	<u>[0-500] pounds</u>
<u>July-August</u>	<u>[0-2,000] pounds</u>	<u>[0-50] pounds</u>	<u>[0-500] pounds</u>
<u>September-October</u>	<u>[0-2,000] pounds</u>	<u>[0-50] pounds</u>	<u>[0-500] pounds</u>
<u>November-December</u>	<u>[0-2,000] pounds</u>	<u>[0-50] pounds</u>	<u>[0-500] pounds</u>

(C) South-Central Coast Region.

The cumulative trip limit per individual per two-month limit period when fishing is allowed pursuant to Section 150.06, Title 14, CCR, is as follows for cabazon, sheephead and greenlings of the genus Hexagrammos:

	<u>Cabazon</u>	<u>Sheephead</u>	<u>Greenlings</u>
<u>January-February</u>	<u>[0-8,000] pounds</u>	<u>[0-500] pounds</u>	<u>[0-500] pounds</u>
<u>March-April</u>	<u>0 pounds</u>	<u>0 pounds</u>	<u>0 pounds</u>
<u>May-June</u>	<u>[0-8,000] pounds</u>	<u>[0-500] pounds</u>	<u>[0-500] pounds</u>
<u>July-August</u>	<u>[0-8,000] pounds</u>	<u>[0-500] pounds</u>	<u>[0-500] pounds</u>
<u>September-October</u>	<u>[0-8,000] pounds</u>	<u>[0-500] pounds</u>	<u>[0-500] pounds</u>
<u>November-December</u>	<u>[0-8,000] pounds</u>	<u>[0-500] pounds</u>	<u>[0-500] pounds</u>

(D) South Coast Region.

The cumulative trip limit per individual per two-month limit period when fishing is allowed pursuant to Section 150.06, Title 14, CCR, is as follows for cabazon, sheephead and greenlings of the genus Hexagrammos:

	<u>Cabazon</u>	<u>Sheephead</u>	<u>Greenlings</u>
<u>January-February</u>	<u>[0-1,000] pounds</u>	<u>[0-8,000] pounds</u>	<u>[0-50] pounds</u>
<u>March-April</u>	<u>0 pounds</u>	<u>0 pounds</u>	<u>0 pounds</u>
<u>May-June</u>	<u>[0-1,000] pounds</u>	<u>[0-8,000] pounds</u>	<u>[0-50] pounds</u>
<u>July-August</u>	<u>[0-1,000] pounds</u>	<u>[0-8,000] pounds</u>	<u>[0-50] pounds</u>
<u>September-October</u>	<u>[0-1,000] pounds</u>	<u>[0-8,000] pounds</u>	<u>[0-50] pounds</u>
<u>November-December</u>	<u>[0-1,000] pounds</u>	<u>[0-8,000] pounds</u>	<u>[0-50] pounds</u>

(E) The department will evaluate year-to-date catch levels against total allowable catch limits defined in Section 52.10. Based on these data, when the department determines that cumulative trip limits defined in this Section need significant adjustment upward or downward (by 50 percent or more) in order to spread the allowable catches through the

open season to the extent possible and prevent early attainment of the annual total allowable commercial catch, the cumulative trip limits defined in this Section may become inoperative and may be replaced with alternative limits as determined by the department. The department may perform these in-season analyses between May and September of each year; and provide notification of changes by October 15 of each year, as described in subsection (e)(6)(F).

(F) The department shall give holders of nearshore fishery permits no less than 10 days notice of any cumulative trip limit change pursuant to this Section via a notification letter sent to the permittee's address on file with the department.

(G) When optimum yields, allocations, total allowable catches or other catch limits defined in Section 52.10 are reached, and action to close the fishery is taken pursuant to Section 52.10 subsection [(b) or (c)], cumulative trip limits defined in this Section become inoperative.

***[Subsection (f) of Section 150.16, Title 14, CCR, is also added to read:]***

(f) All other trip limits (including daily, weekly and cumulative trip limits) established for commercial rockfish, a subgroup of rockfish, or California scorpionfish noticed in the Federal Register by the National Marine Fisheries Service shall apply in state waters within the geographic boundary areas defined in Title 50, Code of Federal Regulations (CFR), Parts 600 and 660. See also Section 189, Title 14, California Code of Regulations for additional requirements regarding fishing for federal groundfish in state waters.

**NOTE**

Authority cited: Sections 240, 7071, 8587.1 and 8588, Fish and Game Code.

Reference: Sections 240, 8585.5, 8587.1 and 8588, Fish and Game Code.